

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VINCENT DEMARIO HARRINGTON,

Defendant.

No. 16-CR-2014-LRR

**ORDER**

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The matter before the court is the government's "Unopposed Motion for Leave of Court to Dismiss the Indictment Without Prejudice" ("Motion") (docket no. 24), filed on October 19, 2016.

Pursuant to Federal Rule of Criminal Procedure 48(a), "[t]he government may, with leave of court, dismiss an indictment, information, or complaint." Fed. R. Crim. P. 48(a). "[T]he district court may deny leave to dismiss an indictment . . . when the defendant objects to the dismissal, [or] when dismissal is clearly contrary to the manifest public interest." *United States v. Jacobo-Zavala*, 241 F.3d 1009, 1012 (8th Cir. 2001). In this case, Defendant Vincent Demario Harrington does not object to dismissal. *See* Motion at 1. Furthermore, the court finds that dismissal is not clearly contrary to the manifest public interest. *See Jacobo-Zavala*, 241 F.3d at 1012-13 (stating that dismissal is contrary to the manifest public interest when the prosecutor acts in bad faith or has other improper motives).

Accordingly, the Motion is **GRANTED**. The Indictment (docket no. 2) is **DISMISSED WITHOUT PREJUDICE**. Defendant shall be immediately **RELEASED** from custody. Consistent with this order, the hearing scheduled for October 27, 2016 is **CANCELED**. *See* October 18, 2016 Order (docket no. 23). The Motion to Suppress (docket no. 22), filed on October 18, 2016, is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

**DATED** this 19th day of October, 2016.

A handwritten signature in black ink, appearing to read "Linda R. Reade", written over a horizontal line.

LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA